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File No. Cattle Treas II 1/41

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Legal **DEPARTMENT**

13 **BRANCH**

Subject:—

Rules and Notifications under the cattle Trespass Act 1871 (I of 1871)

File No. Cattle Trespass II/41.

Std. Sectt. Slip 41 15 a.

172-15

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MS 1614
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MRR

Revised draft notifications are appended.

2. It is not necessary to issue two separate notifications, one cancelling the Revenue Department Notification No. 4374/33 (f) dated the 22nd May 1940 and the other authorising the District Magistrates to appoint pound keepers. It will suffice if there is one notification in supersession of the Revenue Department notifications delegating to the District Magistrates the power of appointing pound keepers. The two draft notifications at pages 121-122 ante are therefore combined into one notification.

3. As regards the third draft notification at page 123 ante, the Revenue Department notification No. 4374/33, dated the 22nd May 1940 as revised by the draft notification will give power to the District Magistrates to suspend, remove or dismiss poundkeepers appointed by them but it does not appear necessary to give such power to the District Magistrates by making a rule under section 241(2) (b) of the Government of India Act, 1935, as under section 16 of the General Clauses Act, 1897, the District Magistrates who are empowered to make appointments of pound keepers shall also have power to suspend, remove or dismiss them. The Revenue Department notification No. 4374/33, dated the 22nd May 1940 need not therefore be amended as proposed. It should be entirely cancelled.

A draft notification for the purpose is appended.

sd/-

for Remembrancer of Legal Affairs.

U. O. to O. O. no. 1095, dated the 4th March, 1941.

MRR.

Draft Notification.

Revenue Department.

mbay Castle, February 1941.

No. In exercise of the powers conferred by clause(b) of sub-section(1) of section 241 of the Government of India Act, 1935, and in supersession of Government Notification in the Revenue Department No. 4674/33(2) dated the 22nd May 1940, the Government of Bombay is pleased to direct that in each District the appointments to the posts of pound Keepers under section 6 of the Cattle Trespass Act, 1871 (I of 1871) shall be made by the Magistrate of the District.

By order of the Governor of Bombay,

Secretary to Government.

1871

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Draft Notification.

Revenue Department.

Bombay Castle, February 1941.

No. In exercise of powers conferred by clause (b) of sub-section (2) of section 241 of the Government of India Act 1935, the Government of Bombay is hereby pleased to cancel Government Notification in the Revenue Department No 4874/33, dated the 22nd May 1940.

By order of the Governor of Bombay,

Secretary to Government.

MRR.

Office of the R. L. A.

A revised draft notification transferring to the Municipality of Rhond the functions of the Magistrate of the district under section 6 of the Cattle-trespass Act, 1871 is appended. The R. D. should verify whether the Rhond Municipality exercises the functions of the District Magistrate under section 4 and 14 of the said Act and if not, R. D. should consider whether it would not be desirable to transfer to the Rhond Municipality the functions of the District Magistrate under sections 4 and 14 also.

sd/-

For Remembrancer of Legal Affairs

sd/-
20/9/41.

U. O. to R. D. No. 6294, dated the 22nd September, 1941.

mm.

Office of the R. L. A.

A revised draft notification is sent herewith.

2. In view of G. H. R. D. No. 4674/33 dated 18th March 1941 and for the reasons given in para. 2 of R. L. A. 's U. R. to R. D. No. 409 dated 30th January 1941, G. H. G. D. 1200 dated 25th March 1880, transferring the function of the District Magistrate inter alia under section 6 of the Cattle-trespass Act, as in 1871 to the municipalities mentioned therein, has become inoperative after 1st April 1937. However to leave no room for doubt, the G. D. Notification referred to above, may be formally cancelled in so far as it relates to the transfer of functions under section 6. The revised draft notification provides accordingly.

3. R. D. should also consider why the G. D. notification of 1880 should not also be cancelled in so far as it relates to the transfer of functions under sections 13 and 17 of the Act. In this connection R. D.'s attention is invited to R. L. A.'s U. R. to R. D. No. 544 dated 21st January 1941.

sd/-

for Remembrancer of Legal Affairs.

U. D. to R. D. No. 10421 dated the 4th December, 1941.

MKR

NOTIFICATION.

Revenue Department.

Bombay Castle, 1941.

No. 3306/38.- In exercise of the powers conferred by clause (a) of section 31 of the Cattle-trespass Act, 1871 (I of 1871) and of all other powers enabling it in this behalf, the Government of Bombay is pleased to cancel Government Notification in the General Department No. 1306 dated the 25th March 1939, in so far as it relates to the t ansfer to-

(a) the Municipality of Umreth the functions of the Magistrate of the District under section 4, 5, 6, 12, 14, and 17 of the said Act, and

(b) the other municipalities mentioned in the said notifi tion the functions of the Magistrate of the district under section 6 of the said Act.

By order of the Governor of Bombay,

Secretary to Government.

mm.
15/2/41